

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ANGELIA SMITH, et al.,

Plaintiffs,

v.

CVS CAREMARK CORP., et al.,

Defendants.

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Civil Action No. 3:12-CV-2465-B

ORDER OF THE COURT ON RECOMMENDATION REGARDING  
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL


Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

( ) The request for leave to proceed *in forma pauperis* on appeal is GRANTED.

(X) The application for leave to proceed *in forma pauperis* on appeal is DENIED because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) of 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the Memorandum Opinion & Order granting Defendants' motion for summary judgment, filed in this case on May 23, 2013 (doc. 47). Based on those findings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

(X) Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

DATE: July 10, 2013

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE